

REMARKS

The Office Action dated January 15, 2008 has been received and reviewed. This response is directed to that action.

Claims 1 and 2 have been cancelled and claims 3, 4, 6-8, 9, 12, 16-18 and 24 have been amended. The amendments to the claims correct certain formalities. The specification has also been amended throughout to correct certain formalities. No new matter has been added.

The applicants respectfully request reconsideration based on the foregoing amendments and the following remarks.

Oath and Declaration

The applicants acknowledge the Examiner's objection to the executed Oath and Declaration as defective because it does not state "material to patentability as defined in 37 CFR 1.56". Rather, the Oath and Declaration includes the language "material to patentability as defined in 37 CFR 1.56(a)". The applicants respectfully request that the Examiner withdraw this objection since the USPTO has waived the express language requirement under 37 CFR 1.63(b)(3) for applications filed prior to June 1, 2008. See 1327 OG 112. The USPTO has explicitly stated that in pending applications the language "as defined in 37 CFR 1.56(a) will be accepted as acknowledging the applicant's duty to disclose information "material to patentability" as defined in 37 CFR 1.56." 1237 OG 112.

Objections to the Specification

The Examiner objected to the specification for containing certain informalities. The specification has been amended herein to provide proper headings and to delete the parentheses included in the specific polymers, thus rendering the objection moot.

Claim Objections

The Examiner objected to claims 6 and 9 for including parentheses in the specific polymers recited, and claim 24 for capitalizing the first word in the individual process steps. These claims have been amended herein to correct the informalities, thus rendering the objections moot.

Claim Rejections- 35 U.S.C. §112

The Examiner rejected claims 6 and 13 under 35 U.S.C. §112, first paragraph as lacking enablement because, according to the Examiner, the limitations of these claims cannot be found in the originally filed specification. The applicants respectfully remind the Examiner that claims 6 and 13 were part of the originally filed claims, and originally filed claims are part of the specification. The applicants submit that these claim limitations are found in the specification. If anything, when subject matter is not in the specification portion of the application as filed but is in the originally filed claims, the specification should be objected to for lacking the requisite support. MPEP §2164. Accordingly, the applicants have amended the specification to include the exact language of present claims 6 and 13. The applicants respectfully request that the Examiner withdraw this rejection.

The Examiner also rejected claims 1-23 under 35 U.S.C. §112, second paragraph as indefinite. The applicants will address the rejections as they relate to each claim separately.

With respect to the rejections of claim 1, the applicants submit that these rejections are now moot in view of the cancellation of this claim.

The Examiner rejected claim 3 because it was indefinite as to what was filled with the detergent composition and what is sealed. The applicants have amended claim 3 herein to specifically state that the container is filled with detergent composition and sealed, thus rendering these rejections moot. Furthermore, the Examiner rejected claim 3 because it was unclear what the term “PVOH” stands for. The applicants have amended the claim to write out the unabbreviated “polyvinyl alcohol” in claim 3, thus rendering this rejection moot.

Additionally, the Examiner rejected claim 3, stating that the term “the container is allowed to come into contact with a plasticizer” is vague and indefinite because it is unclear as to what action the applicant is referring in order for the container to come into contact with the plasticizer. The applicants respectfully traverse this rejection on the grounds that the person of ordinary skill in the art would readily understand the scope of the claim in view of the specification. Indeed, paragraphs [0014], [0015], and [0023] of the published US application 2007/0157572 A1 describe the term with the clarity and precision that one of ordinary skill in the art would understand. As such, in one preferred embodiment, the plasticizer is water, and the container absorbs the water either from the air or from the composition held within if the composition is in an aqueous liquid containing free water. For the reasons stated herein, the applicants respectfully submit

that this term is not indefinite, and respectfully request that the Examiner withdraw this rejection.

The Examiner rejected claim 6 as confusing, noting that phrases in parentheses are not part of the claim. The amendments to this claim, discussed above, render the present rejection moot.

The Examiner also rejected claim 8 for including the phrase “preferably”. The claim has been amended to delete this term, thus rendering the rejection moot

Finally, the Examiner rejected claims 7 and 16-18 for certain terms lacking antecedent basis. These claims have been amended herein to provide proper antecedent basis, thus rendering the objections moot.

Claim Rejections- 35 U.S.C. §102

The Examiner rejected claims 1-24 under 35 U.S.C. §102(b) as anticipated by WO 02/092454. The applicants respectfully traverse this rejection.

The presently claimed invention specifically requires that the containers be kept in a substantially anhydrous environment or conditions prior to filling with detergent composition. The container of each embodiment of the presently claimed invention is only exposed to moisture *after* the sealing step.

Contrarily, WO ‘454 does not teach keeping the containers in an anhydrous environment prior to sealing. Moreover, there is absolutely nothing in WO ‘454 that would suggest or even hint that anhydrous conditions are inherent in that process. Indeed, if the anhydrous condition were considered critical or even preferred in WO ‘454, then it would at least be mentioned; it is not. Accordingly, WO’454 fails to teach either

explicitly or inherently all of the elements of the presently claimed invention. Therefore, the applicants respectfully request that the Examiner withdraw this rejection.

The applicants believe the claims are now in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME


If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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